



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/554,022	10/21/2005	Daniel Michael Doulton	5035-223US/P32,004 USA	2874
20802	7590	10/10/2006	EXAMINER	
SYNNESTVEDT LECHNER & WOODBRIDGE LLP			SMITH, SHEILA B	
P O BOX 592			ART UNIT	PAPER NUMBER
PRINCETON, NJ 08542-0592			2617	

DATE MAILED: 10/10/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No. 10/554,022	Applicant(s) DOULTON, DANIEL MICHAEL	
	Examiner Sheila B. Smith	Art Unit 2617	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 21 October 2005.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-20 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-20 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

1. Claims 1-18 are rejected under 35 U.S.C. 102(e) as being anticipated by Gress et al. (U.S. Patent Number 7,024,209).

Regarding claim 1, Gress discloses a method of generating a SMS or MMS text message from a first mobile telephone for receipt by a second mobile telephone, comprising the steps of: (a) receiving a voice message at a server, the voice message having been sent from the first mobile telephone by an end-user originator (which reads on column 2 lines 18-67 and column 3 lines 1-35); (b) converting the voice message to an audio file format (which reads on column 2 lines 18-67 and column 3 lines 1-35); (c) sending or streaming the audio file over a wide area network to a voice to text transcription system comprising a network of computers (which reads on column 2 lines 18-67 and column 3 lines 1-35); (d) one of the networked computers playing back the voice message to an operator (which reads on column 2 lines 18-67 and column 3 lines 1-35); (e) the computer receiving as input the original voice message, intelligently transcribed by the operator as a transcribed text message (which reads on column 2 lines 18-67 and column 3 lines 1-35); wherein the method is characterized in that: (i) the end-user originator selects an

Art Unit: 2617

option or function of the first mobile telephone that causes the voice message to be remotely transcribed to a SMS or MMS message for display on the second mobile telephone (which reads on column 2 lines 18-67 and column 3 lines 1-35); and (ii) the computer causes the transcribed text message to be sent to the second mobile telephone as the SMS or MMS message (which reads on column 3 lines 59-67 and column 4 lines 1-31).

Regarding claim 2, Gress discloses the transcribed text message has added to it the time and date that the voice message was originally received at the server (which reads on column 2 lines 18-67 and column 3 lines 1-35).

Regarding claim 3, Gress discloses a which a further voice message is originated at a mobile telephone or at a tandtime telephone and a SMS or MMS text message is generated from that further message (which reads on column 2 lines 18-67 and column 3 lines 1-35).

Regarding claim 4, Gress discloses a transcribed text message has added to it the caller name and/or number (MSISDN) (which reads on column 2 lines 18-67 and column 3 lines 1-35).

Regarding claim 5, Gress discloses a transcribed text message is displayed on the device as though it was sent directly from an originator of the voice message (which reads on column 2 lines 18-67 and column 3 lines 1-35).

Regarding claim 6, Gress discloses a computer does not display to the operator the telephone number associated with the wireless information device (which reads on column 2 lines 18-67 and column 3 lines 1-35).

Regarding claim 7, Gress discloses a computer displays to the operator an option to re-route the audio file to a different computer with an operator that is more suited to transcribing the

Art Unit: 2617

voice message because of linguistic, dialect, or cultural reasons (which reads on column 2 lines 18-67 and column 3 lines 1-35).

Regarding claim 8, Gress discloses a computer provides the operator with a searchable list of specialized terms that are relevant to cultural sayings, regular events, sporting events, media events, other kinds of newsworthy events to assist the operator in accurately transcribing those specialized terms (which reads on column 2 lines 18-67 and column 3 lines 1-35).

Regarding claim 9, Gress discloses a operator represents the mood of the carter leaving the voice message in the transcribed text message using either a written description or an emoticon (which reads on column 3 lines 59-67 and column 4 lines 1-31).

Regarding claim 10, Gress discloses a operator succinctly summarizes the voice message (which reads on column 3 lines 59-67 and column 4 lines 1-31).

Regarding claim 11, Gress discloses a operator summarizes the voice message to fit it the 160 character SMS limit or subsequent concatenated text messages (which reads on column 3 lines 59-67 and column 4 lines 1-31).

Regarding claims 12- 15, Gress et al. discloses a operator omits from the transcribed text message any hesitations, artefacts, or unnecessary repetitions present in the voice message (which reads on column 3 lines 59-67 and column 4 lines 1-31).

Regarding claim 16, Gress discloses which parsing and using the parsed data involves one or more of the following: (a) extracting the phone number spoken allowing it to be used (to make a call), saved, edited or added to a phone book (which reads on column 2 lines 18-67 and column 3 lines 1-35); (b) extracting an email address and allowing it to be used, saved, edited or added to an address book (which reads on column 2 lines 18-67 and column 3 lines 1-35); c)

Art Unit: 2617

extracting a physical address and allowing it to be used, saved, edited or added to an address book (which reads on column 2 lines 18-67 and column 3 lines 1-35); (d) extracting a web address (hyperlink) and allow it to be used, saved or added to an address book or browser favorites; edited (which reads on column 2 lines 18-67 and column 3 lines 1-35), (e) extracting a time for a meeting and allow it to be used, saved, edited and added to an agenda as an entry (which reads on column 2 lines 18-67 and column 3 lines 1-35); (f) extracting a number and saving it to one of the device applications (which reads on column 3 lines 59-67 and column 4 lines 1-31); (g) extracting a real noun and providing options to search for it or, look it up on the web (WAP or full browser) (which reads on column 3 lines 59-67 and column 4 lines 1-31).

Regarding claim 17, Gress discloses a devices that support less than a certain amount of text, there is an initial look up of the text limitations in a database and then an automatic suggestion of appropriate maximum recording time (which reads on column 3 lines 59-67 and column 4 lines 1-31).

Regarding claim 18, Gress discloses a used in conjunction with an automated voice recognition system to speed up the processing of the audio file (which reads on column 3 lines 59-67 and column 4 lines 1-31).

Regarding claim 19-20, Gress discloses a text message which has been transcribed from a voicemail and is provided to a wireless information device (which reads on column 3 lines 59-67 and column 4 lines 1-31).

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Sheila B. Smith whose telephone number is (571)272-7847. The examiner can normally be reached on Monday-Thursday 6:00 am - 3:00 pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Joseph Feild can be reached on 571-272-4090. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

S. Smith

October 1, 2006


JOSEPH FEILD
SUPERVISORY PATENT EXAMINER